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Public Utility Commission of Texas

Commissioner Memorandum

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TO: Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

FROM: Chairman DeAnn T. Walker *DTW*

DATE: January 28, 2021

RE: January 29, 2021 Open Meeting – Item No. 14
Docket No. 49732 – *Complaint of Paul Hawkins against Monarch Utilities I, L.P.*

I recommend that the Commission adopt the proposal for decision in this proceeding with the modifications listed below.

Findings of fact 3 and 6 should be modified for clarity, and finding of fact 8 should be incorporated into the revised finding of fact 6.

3. ~~On August 21, 2017, the Commission approved Monarch's current tariff issued its final order in Docket No. 45570 approving Monarch's tariff.~~¹

¹ Application of Monarch Utilities I, LP for Authority to Change Rates, Docket No. 45570, Order (Aug. 21, 2017).

5. On February 20, 2019, Monarch filed an application for approval of a \$0.69 per 1,000 gallons pass-through gallonage charge in Docket No. 49242.²

² Application of Monarch Utilities I, L.P. for a Pass Through Gallonage Charge, Docket No. 49242 (pending).

6. In Docket No. 49242, Monarch's application in Docket No. 49242 contained copies of the notice provided to customers detailing the pass-through gallonage charge prior to the effective date of the pass-through gallonage charge and specifying the effective date as March 1, 2019. Monarch implemented this pass-through gallonage charge of \$0.69 per 1,000 gallons on the proposed effective date of March 1, 2019.

8. ~~DELETED. On March 1, 2019, Monarch implemented a pass-through gallonage charge of \$0.69 per 1,000 gallons under the pass-through provision in its tariff.~~

Conclusion of law 3 should be deleted because it is not in the form of a conclusion of law and it is unnecessary to support the order.

3. ~~DELETED. As decided by the Commission in its August 19, 2020 order on briefing issue and remanding proceeding in this docket, the Commission's order approving Monarch's water and sewer tariffs in Docket No. 45570 established the effective date for the implementation of Monarch's pass-through gallonage charge as the effective date contained in the notice provided to customers in Docket No. 49242.~~

Conclusion of law 9 should be modified for accuracy.

9. Mr. Hawkins' complaint is appropriate for disposition by summary decision because there is no dispute regarding facts material to the resolution of this proceeding ~~and this dispute.~~

Finally, I propose delegating to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.